

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

AMADOR G. SANCHEZ, JR. §  
VS. § CIVIL ACTION NO. 1:13cv713  
DAMION KYLE, ET AL. §

ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Amador G. Sanchez, Jr., proceeding *pro se*, filed the above-styled civil rights lawsuit against Damion Kyle and Henry Como. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court.

The defendants have filed a motion to dismiss (doc. no. 18). The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The Magistrate Judge recommends the motion be granted with respect to the claims against defendant Como in both his official and individual capacities, as well as with respect to any claim for money damages against defendant Kyle in his official capacity. The Magistrate Judge recommends the motion be denied with respect to the claim against defendant Kyle in his individual capacity, as well as with respect to the claim against defendant Kyle for declaratory relief in his official capacity.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. No objections were filed to the Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as the opinion of the court. The motion to dismiss is **GRANTED** with respect to the claims against defendant Como in both his official and

individual capacities, as well as with respect to any claim for money damages against defendant Kyle in his official capacity. The motion is **DENIED** with respect to the claim against defendant Kyle in his individual capacity, as well as with respect to the claim against defendant Kyle for declaratory relief in his official capacity. Defendant Como is **DISMISSED** from this lawsuit.

So **ORDERED** and **SIGNED** this **8** day of **March, 2016**.



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Ron Clark, United States District Judge